

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re application of:

GERHARD JOSEPH KARL WEUSTHOF et al.

Group Art Unit: 3724

Examiner: Ghassem Alie

Serial No.: 10/056,297

Filed: January 25, 2002

For: LIGHT BEAM ALIGNMENT SYSTEM

Attorney Docket No.: TTII 0112 PUS

DECLARATION UNDER 37 C.F.R. § 1.131

Commissioner for Patents
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We, Gerhard Josef Karl Weusthof and John Ka Ki Chan, do hereby declare and state as follows:

1. We believe we are the original, joint inventors of the subject matter disclosed and claimed in U.S. Application Serial No. 10/056,297, filed January 25, 2002, entitled "Light Beam Alignment System."

2. We are informed that the claims of the U.S. application have been rejected over *Chang*, U.S. Patent No. 6,584,695, issued July 1, 2003, and filed on January 2, 2002.

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this paper, including all enclosures referred to herein, is being deposited with the United States Postal Service as first-class mail, postage pre-paid, in an envelope addressed to: Mail Stop, Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on:

3/11/04
Date of Deposit

Michael D. Cushion
Name of Person Signing

Michael D. Cushion
Signature

3. We conceived the claimed invention in Hong Kong, China, a WTO member as of January 1, 1995, prior to January 2, 2002. Moreover, we were diligent from a time prior to January 2, 2002 up and until the filing of the present application on January 25, 2002. Thus, we do not believe the *Chang* reference to be prior art.

4. As supporting evidence of our conception prior to January 2, 2002, attached is a chain of e-mail correspondence (Exhibit A), dated prior to January 2, 2002, between ourselves and a third engineer referring to and describing 3-D solid model drawings of the presently claimed invention, attached thereto.

5. The solid model drawings attached to the e-mail in Exhibit A are provided herein as Exhibit B. The particular elements depicted and modeled in the drawings clearly illustrate completion of the invention commensurate with the claims as filed. The solid model drawings provided in Exhibit B correspond substantially to Figures 3-5 of the U.S. application.

6. As additional supporting evidence of our conception prior to January 2, 2002, attached as Exhibit C is a pair of two-dimensional engineering drawings of the magnet depicted three-dimensionally in the solid models of Exhibit B. The date found in the title block in the lower right hand corner of the drawings further establishes a date of conception prior to January 2, 2002.

7. As supporting evidence of our due diligence from a time prior to January 2, 2002 until the subsequent filing of the present application on January 25, 2002, attached as Exhibit D is an e-mail from our patent counsel to our in-house counsel indicating that an initial draft of the subject application was submitted for our review on December 5, 2001.

8. As further supporting evidence of our diligence from a time prior to January 2, 200 until the subsequent filing of the present application on January 25, 2002, attached as Exhibit E, is an e-mail from our patent counsel to our in-house counsel indicating


a subsequent draft of the subject application was submitted for our review on December 20, 2001.

9. Upon receipt of the draft applications, we were given a period of time to thoroughly review the draft for comment before returning it to our patent counsel for final preparation of the patent application. The patent application draft was eventually incorporated into U.S. Application Serial No. 10/056,297, filed on January 25, 2002, which is approximately one month after the final draft was submitted from our review. Therefore, from a period of time just prior to January 2, 2002, until the subsequent filing of the present application, the disclosure of the claimed invention was in the hands of our patent counsel, who was finalizing the preparation of the patent application for filing. Accordingly, we were diligent during this period of inactivity, while our patent counsel prepared the application to be filed.

We hereby declare that all statements made herein are of our own knowledge, are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

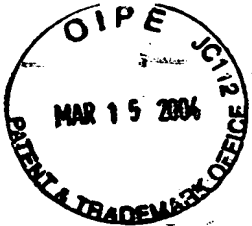
GERHARD JOSEF KARL WEUSTHOF

Dated: _____



JOHN KA KI CHAN

Dated: 9th March, 2004



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GERHARD JOSEF KARL WEUSTHOF

Dated: March 03, 2004

JOHN KA KI CHAN

Dated: _____